

REMARKS

Claims 1-12 are rejected. Claims 1, 3 and 6 have been amended. Claims 2, 13-31 have been canceled. Claims 1-31 are presently pending in the application. The examiner in the official action issued a restriction to the claims of Group 1 or 2. By this amendment applicants have canceled claims 13-31 of Group 2 and thereby confirm the election to proceed with the claims of Group 1, claims 1-12. By this amendment applicants have added additional claims which are dependent, at least ultimately upon independent claim 1, and therefore part of the elected group.

The examiner in paragraph 5 of official action rejected claim 3 under 35 U.S.C. 112 for reasons set forth therein. By this amendment applicant has amended claim 3 to refer to reduce size.

The examiner also rejected claim 6 under 35 U.S.C. 112 for the reasons set forth in paragraph 6. By this amendment applicant has corrected the term "dog ears" to "restraining tabs" both in the claims.

The examiner in paragraph 7 official action rejected claims 1, 2, 5, 6 under 35 U.S.C. 102(b) as being anticipated by Fountain (U.S. Patent 370,186) for reasons set forth therein. Applicant respectfully submit that amended claim 1 is patentably distinct over the said reference for a number of reasons. First the present invention sets forth that there is a first and second ply layer wherein each have plurality of images. In Fountain only a single image is provided on one side of the image product. As illustrated by Figure 2 there is no image on the back side. Secondly, the claimed image product includes a plurality of images formed thereon where as the cited reference has only a single image. Thirdly, the insert that is provided in the present invention has information on it that is readily identified with respect to the plurality of images. That is the information that is written on the insert can be identified with its associated images. Since the Fountain has only a single image there is no problem of determining the relationship between the information on the card and with respect to which image it refers to. In the present invention there are a plurality of images provided and the images provided are located in the position such that it can be readily identified with respect to which of the plurality images it is associated. This is not taught or suggested by the '186 patent.

Claim 3 which is dependent upon amended claim 1, sets forth that the information is correlated with respect to its associated image by providing an

associated at a reduce size having reduce visual characteristics. There is nothing to indicate that the insert in Fountain has any such reduced size of the image or that will would have reduced visual characteristic. For example, as set forth in new dependent claims as reduce visual characteristic comprised low density or low resolution image. There is no such teaching or suggestion in Fountain of providing such.


The examiner in paragraph 8 rejected claims 3, 4, and 12 under 35 U.S.C. 103 as being unpatentable over Fountain. As previously noted, amended independent claim 1 is not taught or suggested by Fountain. Thus, these dependent claims are patentably distinct for the same reasons previously discussed. Further as previously mentioned dependent claim 3 includes an associated reduced copy of the image that has a reduced visual characteristic as previously mentioned this is not taught or suggested by the prior art. Furthermore, the reduced image is not merely printed matter, but has a specific structural relationship with the images on the first and second ply layers. In particular, the relationship is that the images on the insert are reduced in size and have reduced visual characteristics, these are structural features that provide a specific structural relationship.

The examiner has rejected claim 7 under 35 U.S.C. 103 as being unpatentable over Fountain in view of Young for reasons set forth in paragraph 9. However, claim 7 is dependent upon independent claim 1 which has been shown to be patentably distinct over Fountain for reasons previously discussed. The Young reference does not teach or suggest anything that would render independent claim 1 obvious. Accordingly, dependent claim 7 is patentably distinct for the same reasons previous discussed. Likewise with respect to the rejection of claims 8-11 under 35 U.S.C. 103(a), these claims depend ultimately upon independent claim 1, which has been shown to be patentably distinct over Fountain. The addition of the Hawley reference does not teach or suggest anything that would render independent claim 1 obvious.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Attached hereto is a marked up version of the changes made to the claims by the current amendment. The attached pages are captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,



Attorney for Applicants
Registration No. 27,370

Frank Pincelli/amb
Rochester, NY 14650
Telephone: (585) 588-2728
Facsimile: (585) 477-4646

Version With Markings To Show Changes Made

In the Claims:

Claims 1, 3 and 6 have been amended as set forth below:

1. (Once amended) An image product assembly, comprising:
a dual sided album leaf having a first ply layer and a second ply layer,
said first and second ply layers each having an outer surface and an inner surface,
said first and second ply layers are secured together so as to form a pocket there
between, said outer surface of said first and/or second ply layer having at least one
image formed thereon; and

an insert having a size and configuration such that it can be placed
within said pocket, said insert having information thereon that relates to said at least
one image, said outer surface of said first or second ply layer having a plurality of
images formed thereon, said information on said insert is located in a position such
that it can be readily identified with respect to which of said plurality of images it is
associated.

Claim 2 has been cancelled.

3. (Once amended) An image product assembly according to claim
~~2~~, wherein said information is correlated with respect to its associated image by
providing a [copy] size of said associated image at a reduced [copy] size having
reduced visual characteristics.

6. (Once amended) An image product assembly according to claim
5, wherein said retaining member comprises a pair of [dog ears] restraining tabs
disposed at opposite ends of said insert, the [dog ears] restraining tabs being
designed to be stopped by a retaining section in said leaf.

Claims 13-31 have been cancelled.

Claims 32 and 33 are new.

32. (New) An image product assembly according to claim 1 wherein
said information is correlated with respect to associated image by providing an
outline copy of set associated image on said insert.

33. (New) An image product assembly according claim 1 wherein said insert includes a low resolution or intensity image copy of the original image provided on said first ply layer or second ply layer.